

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1358**

**Introduced by Assembly Member Mullin**

February 22, 2005

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An act to amend Section 17215 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Mullin. Acquisition of proposed schoolsites: notice.

Existing law requires the governing board of each school district, before acquiring title to property for a new schoolsite, to provide the State Department of Education written notice of the proposed acquisition, along with any information required by the department, if the proposed site is within two miles, measured by air line, of that point on an airport runway or potential airport runway included in an airport master plan that is nearest to the site. Existing law requires the State Department of Education, upon receipt of the notice, to notify the Department of Transportation in writing of the proposed acquisition. Existing law requires the Department of Transportation to investigate the proposed site and submit a report of its findings and recommendations concerning acquisition of the site to the State Department of Education. Existing law requires the State Department of Education to forward the report to the governing board of the school district. Existing law provides that state or local funds may not be apportioned or expended for acquisition of a site if the Department

of Transportation's recommendation does not favor acquisition of the site.

This bill would require a school district to provide the Department of Transportation with that notice before ~~commencing school operations on~~ *leasing property for* a new schoolsite. This bill also would make these provisions applicable to charter schools.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17215 of the Education Code is  
2 amended to read:

3 17215. (a) In order to promote the safety of pupils,  
4 comprehensive community planning, and greater educational  
5 usefulness of schoolsites, before ~~commencing school operations~~  
6 ~~on acquiring title to or leasing property for~~ a new schoolsite, the  
7 governing board of each school district, including any district  
8 governed by a city board of education, or a charter school, shall  
9 give the State Department of Education written notice of the  
10 proposed ~~school operations~~ *acquisition or lease* and shall submit  
11 any information required by the State Department of Education if  
12 the site is within two miles, measured by air line, of that point on  
13 an airport runway or a potential runway included in an airport  
14 master plan that is nearest to the site.

15 (b) Upon receipt of the notice required pursuant to subdivision  
16 (a), the State Department of Education shall notify the  
17 Department of Transportation in writing of the proposed ~~school~~  
18 ~~operations~~ *acquisition or lease*. If the Department of  
19 Transportation is no longer in operation, the State Department of  
20 Education shall, in lieu of notifying the Department of  
21 Transportation, notify the United States Department of  
22 Transportation or any other appropriate agency, in writing, of the  
23 proposed ~~school operations~~ *acquisition or lease* for the purpose  
24 of obtaining from the department or other agency any  
25 information or assistance that it may desire to give.

26 (c) The Department of Transportation shall investigate the site  
27 and, within 30 working days after receipt of the notice, shall  
28 submit to the State Department of Education a written report of  
29 its findings including recommendations concerning ~~school~~

~~operations on acquisition or lease of the site.~~ As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not ~~operate a school on the site~~ *acquire title to or lease the property* until the report of the Department of Transportation has been received. If the report does not favor ~~school operations on the site~~ *the acquisition or lease of the property for a schoolsite* or an addition to a present schoolsite, the governing board or charter school may not ~~operate a school on the site~~ *acquire title to or lease the property*. If the report does favor ~~school operations on the site~~ *the acquisition or lease of the property for a schoolsite* or an addition to a present schoolsite, the governing board or charter school shall hold a public hearing on the matter prior to ~~commencing school operations on acquiring or leasing the site.~~

(e) If the Department of Transportation's recommendation does not favor ~~school operations on the acquisition or lease of the proposed site~~, state funds or local funds may not be apportioned or expended for ~~school operations on the acquisition or lease of that site~~, construction of any school building on that site, or for the expansion of any existing site to include that site.

(f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.